

1914

c 40 Highway Improvement Act

Ontario

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CHAPTER 40.

An Act for the Improvement of Public Highways.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

1. This Act may be cited as *The Highway Improvement Act*. See 2 Geo. V. c. 11, s. 14.

2. In this Act,

“Minister” shall mean Minister of Public Works. *New.*

Appropriation
for road im-
provements.

3. So much of the sum of \$2,000,000 heretofore set apart out of the Consolidated Revenue Fund of Ontario to aid in the improvement of public highways as remains unexpended shall continue to be appropriated to that purpose subject to the terms and conditions hereinafter set forth. 7 Edw. VII. c. 16, s. 1; 2 Geo. V. c. 11, ss. 1, 2, 3.

Powers of
County
Council.

4.—(1) The council of any county may by by-law adopt a plan for the improvement of highways throughout the county by assuming highways in any municipality in the county in order to form or extend a system of county highways, designating the highways to be assumed and improved and intended to form or be added to such system; and in case it is impracticable to benefit all the townships in any county equitably by a system of county highways such plan may provide for compensation to any township which by reason of the location of such highways or of the unequal distribution of the expenditure thereon may not benefit proportionately by a grant of such specific amount or annual sum or both to be expended in the improvement of the highways of such township as when so expended will make such plan equitable for the whole county.

Abolition of
tolls.

(2) A plan adopted by the county council under this section may include the purchase of toll roads or freeing them from toll.

Grants to
villages and
towns.

5.—(1) A county council may from time to time while carrying out a plan of highway improvement under this Act by by-law make grants to villages or towns not separated from the county for the purpose of improving such highways or portions of highways in such villages or towns as may be designated in such by-law and which are extensions of or form connections between different portions of county roads;

but no such highways shall by reason of such by-law, or of the expenditure of any such grant thereon, be deemed to have been assumed by the county or to form part of the county system of highways. 7 Edw. VII. c. 16, s. 2 (1), (2), (3), *part*; 1 Geo. V. c. 11, s. 1 (1), *part*.

(2) A grant made under subsection 1 to a village or town having a population of not more than 3,000 shall be deemed to form part of the estimated expenditure in carrying out a plan of highway improvement in such county for the purpose of ascertaining the amount of aid which may be granted to the county under this Act if How reckoned.

- (a) the roads or streets to be improved in the village or town have been designated by the by-law of the council of the county to which there has been attached a plan of the village or town to be aided;
- (b) such by-law has been approved by the Minister; and
- (c) the work done upon such roads and streets is in accordance with the regulations of the Department of Public Works with respect to highways.

(3) In the case of a village or town having a population of more than 1,500 the amount granted under subsection 1 shall be expended solely upon roads and streets or portions thereof which lie opposite to lands on one side or the other thereof used for agricultural purposes. Cases of certain villages or towns.

(4) The approval of the Minister, in writing, shall be conclusive as to the population of any village or town for the purposes of this section. How population determined.

(5) Subsections 2, 3 and 4 shall not affect the payment to a village or town under subsection 1 of any grant made by the council of a county and approved by the Minister before the 24th day of March, 1911, and any such grant shall be included in estimating the expenditure of the county for the purpose of ascertaining the amount of aid to which the county is entitled under this Act as if those subsections had not been enacted. 1 Geo. V. c. 11, s. 1 (1) *part* and (2). Subsections 2, 3 and 4 not to affect grants made before 24th March, 1911.

6. Every highway constructed or repaired in pursuance of a plan adopted by by-law approved by the Lieutenant-Governor in Council under this Act shall be constructed or repaired according to the regulations of the Public Works Department with respect to highways. 7 Edw. VII. c. 16, s. 2 (4). Regulations of Public Works Department.

7. The council of a county in which highway improvements are undertaken under this Act shall by by-law appoint an engineer or some other competent person to be approved by the Minister to act as county road superintendent under the direction of the council. Appointment of road superintendent.

Idem.

8. No grant shall be made to any county under this Act until section 7 has been complied with.

Foreman or Inspector.

9. The county road superintendent shall place some competent person as foreman or inspector in charge of any work which it is impossible for him to personally oversee, and it shall be the duty of the foreman or inspector to see that the work is properly carried out.

Members of councils not to be appointed.

10. No member of the council of the county and no member of the council of any local municipality in the county shall be appointed or act under sections 7 or 9 or be employed by the county road superintendent in any capacity, and any such member who is appointed or who acts or is employed in contravention of this subsection shall be disqualified from sitting or voting in the council of which he was a member at the time of his appointment or employment. 2 Geo. V. c. 11, s. 4.

When by-law not to require assent of electors.

11. Where a by-law passed under the authority of this Act has received the assent of two-thirds of the members of the county council representing at least one-half of the total equalized assessment of the county it shall not be necessary to submit the same to the electors of the county; but if before the final passing of any by-law under this Act the same has been submitted to and has received the approval of the electors of the county qualified to vote on money by-laws such by-law may be finally passed by a majority of the members of the council present and voting thereon; and a by-law so submitted to the electors may after such submission or after the final passing thereof be amended by the council in order to comply with any direction or requirement of the Minister, and it shall not be necessary to submit any such amending by-law to the electors. 8 Edw. VII. c. 23, s. 1.

Approval by order in council.

12.—(1) The corporation of a county shall not be entitled to receive any aid under this Act unless the by-law providing for the improvements in respect of which aid is to be granted has been approved by the Lieutenant-Governor in Council. 2 Geo. V. c. 11, s. 10.

Inquiry by Minister.

(2) Upon the application of any county council for the approval of a by-law under this Act the Minister may obtain such report upon the plan adopted by such county council as he may deem necessary and may hear any township council which may be dissatisfied therewith before presenting such application for the consideration of the Lieutenant-Governor in Council. 7 Edw. VII. c. 16, s. 3 (2).

Payments to county out of appropriation.

13.—(1) When a plan of highway improvement adopted by by-law approved by the Lieutenant-Governor in Council under this Act has been carried out, or at any time during the progress of the work, the county council may submit to the

Minister a statement setting forth the expenditure to date in carrying out such plan, including all payments of grants authorized by this Act, together with the declaration of the treasurer of the county that such statement is correct and also the report of the county engineer or road superintendent that such work is in accordance with the regulations of the Department of Public Works, and on the receipt of such statement and certificate by the Treasurer of Ontario, certified and approved by the proper officer of the Department of Public Works, the Lieutenant-Governor in Council may direct the payment to the corporation of the county out of the fund set apart under this Act of a sum equal to one-third of the amount of such expenditure. 7 Edw. VII. c. 16, s. 4.

14. The council of any union of counties which has passed a by-law under this Act designating the roads to be improved within the united counties after such by-law has been approved by the Lieutenant-Governor in Council may, with the consent of two-thirds of the representatives of any county in the union, by by-law apportion the amount to be expended in any year in such county and may provide that the amount so to be expended shall be raised by special rate upon the property liable to taxation in such county, or with the like consent the council of the united counties may by by-law provide for the issue of debentures for the amount to be expended and may declare that such debentures shall be a charge upon the property liable to taxation in such county, and that the amount required to be raised annually for principal and interest of any debt so created shall be levied and collected in each year during the currency of such debentures by an annual special rate upon the property liable to taxation in such county. 7 Edw. VII. c. 16, s. 5.

Apportionment
of expense
in united
counties.

15. The council of any county which takes advantage of this Act may from time to time pass by-laws to raise by debentures, payable in not more than thirty years as provided by *The Municipal Act*, such sums as may be necessary to meet any expenditure on highways under this Act, not exceeding two per centum of the equalized assessment of the county; or the council instead of raising money by debentures may provide the money required out of county funds, or by an annual county rate in the manner authorized by *The Municipal Act*, and all the provisions of this Act shall apply to any money heretofore or hereafter so provided as fully as if debentures had been issued whether a by-law transferring such money to a special account under this Act has or has not been passed. 7 Edw. VII. c. 16, s. 6; 2 Geo. V. c. 11, s. 6 (1), (3), (4).

Issuing
debentures for
expenditures
on highways.

Rev. Stat.
c. 192.

Raising
money by
general
rate
instead of
debentures.

16. The council of any township may by by-law direct that the statute labour for which land fronting on roads in such township constructed or repaired under this Act may from

Statute labour
application of
upon roads
aided.

year to year be liable may be commuted, and the amounts so received may be paid over to the county and applied in repairing such roads and in removing snow therefrom and keeping the same open during the winter months. 7 Edw. VII. c. 16, s. 7.

Aid to county where road system established prior to 20th April, 1907.

17. Where before the 20th of April, 1907, the council of any county had established a system of county roads approved by the Lieutenant-Governor in Council as provided by *The Act for the Improvement of Public Highways* passed in the first year of the reign of His late Majesty King Edward the Seventh, chaptered 32, such system of county roads shall be deemed to be within the meaning and intent of this Act. 7 Edw. VII. c. 16, s. 8.

Object-lesson or experimental roads.

18.—(1) The Minister may arrange with the corporation of any local municipality for the construction or improvement therein of an object-lesson or experimental road, or of more than one such road.

Powers of Minister.

Rev. Stat. c. 35.

(2) The Minister may lay out, construct, improve and complete any such road and *The Ontario Public Works Act* shall apply to anything done by him under this Act.

Cost of work.

(3) The cost of material, labour, special engineering or other services, plant, machinery and equipment and the repair and maintenance of plant, machinery or equipment in or about any work undertaken by the Minister under this section or incidental thereto shall be paid out of the fund mentioned in section 3 upon the certificate of the Minister, and for that purpose accountable cheques may from time to time be issued against such fund in favour of the Minister upon his requisition therefor.

Duty of maintenance.

(4) A road shall not, by reason of its having been constructed or improved under this Act, become or be the property of the Crown, but every such road after its construction or improvement shall be under the jurisdiction of the council of the municipality in which it is situate and shall be maintained and kept in repair in the same manner as other roads in the municipality. 2 Geo. V. c. 11, s. 9.

Intersection of other highways by county road.

19. Where a county road intersects a highway which is not a county road the continuation of the county road to its full width across the road so intersected, including the bridges and culverts thereon or touching thereon, shall be a part of the county road system. 7 Edw. VII. c. 16, s. 9.

Sidewalks excepted.

20. The corporation of a county shall not by reason of assuming a highway under this Act be liable for the building maintenance or repair of sidewalks on any county road or portion thereof. 7 Edw. VII. c. 16, s. 10.

21.—(1) A county council shall in respect to county roads have all the powers conferred on townships, cities, towns and villages under *The Snow Fences Act*. 7 Edw. VII. c. 16, s. 11.

Powers as to snow fences. Rev. Stat. c. 211.

(2) The corporation of the county shall, in respect to such roads, have all the rights, powers, benefits and advantages conferred either by by-law or contract or otherwise, upon the corporation of the local municipality or the corporations of the local municipalities which had jurisdiction over such roads before they were assumed by the corporation of the county, and the corporation of the county may sue upon such rights or under such agreements or by-laws in the same manner and to the same extent as the local municipality or municipalities might have done if such roads had not been adopted as county roads. 10 Edw. VII. c. 14, s. 1.

Powers of County Council over roads assumed.

22. All highways designated and assumed by a county council in accordance with section 4, except as in subsection 1 of section 5 otherwise provided, shall be maintained and kept in repair by the corporation of the county in which they are situate, and in all cases of doubt or dispute as to what constitute works of maintenance or repair, and what constitute works of construction and the purchase and maintenance and repair of road machinery, plant and equipment, properly chargeable under this Act, the decision of the Minister shall be final; but after the expiration of three years from the final construction and completion of the county system of roads, which shall be so declared by the Minister, the county council may, with the approval of the Lieutenant-Governor in Council and of two-thirds of the local municipalities in the county expressed by by-law, declare that such system of county roads shall, on the 1st of January following, revert to the local municipalities in which the same are situate, and such roads shall thereafter be maintained in the same manner as township roads. 2 Geo. V. c. 11, s. 7.

Highways to be County highways.

Proviso.

Roads revert to townships.

23. Where the Minister is of opinion that any highway or section of a highway assumed by a county council under this Act has ceased to be or for some other reason is not of sufficient importance to be constructed and maintained as a county road such highway or section thereof may be struck off the approved plan of county roads by the Lieutenant-Governor in Council, and such highway or section thereof shall thereupon revert to the corporation of the local municipality in which the same is situate. 2 Geo. V. c. 11, s. 8.

Where improved highway ceases to be important.

24. The Lieutenant-Governor in Council may enter into an agreement with the Governor in Council or with any member of His Majesty's Privy Council for Canada acting for and on behalf of the Governor in Council for the application to the cost of highway improvement under this Act of such subsidy or subsidies or any part of such subsidy or subsidies as may be appropriated for highway improvement by

Authority to enter into agreement with Dominion Government.

the Parliament of Canada, and the Lieutenant-Governor in Council may vary the proportionate amounts to be paid to or by municipalities under this Act by reason of such subsidy or subsidies, and may vary the conditions under which payment shall be made for construction, repair or maintenance in accordance with such agreement. 2 Geo. V. c. 11, s. 11.

Contribution
of cities, etc.,
to improve-
ment of
county
roads.

25. When any highway leading or adjacent to any city or town separated from the county is widened, strengthened, reconstructed or otherwise improved or requires the expenditure of a greater amount for maintenance and repair to meet the requirements of increased, heavy, constant or other extraordinary traffic to or from such city or town, beyond the requirements which, but for the existence of such city or town, would be deemed those of a standard highway for the locality the corporation of such city or town by by-law passed with the assent of at least two-thirds of the members of the council thereof may agree with the corporation of the county to contribute such additional cost, or a proper proportion of the cost, or that the amount of the contribution of such city or town shall be determined by arbitration under *The Municipal Act*, and may, without the assent of the electors, provide by by-law for the issue of debentures payable in not more than twenty years from the date of the issue thereof to raise the amount agreed upon or awarded, or may agree with the corporation of the county for the payment of such amounts in annual instalments to be raised by annual special rate upon the rateable property in the city or town. 2 Geo. V. c. 11, s. 12.

Rev. Stat.
c. 192.

Assuming
main roads
as county
roads and
assessing
townships
specially
benefited.

26 The council of any county may assume as a county road under this Act any main or leading road through or within such county, and where such road does not serve all townships equally the county council may, with the approval of the Minister, omit from assessment any township or townships through which such road does not pass, or may assess any or each township through which such road passes for a larger or smaller amount in order to equitably assess the cost; or the council of any county in which a system of roads is established under this Act may, upon the application of a township council and with the approval of the Minister, levy a special rate upon the township for the construction, improvement or maintenance of the road within such township. 2 Geo. V. c. 11, s. 13.

Annual
statements
by county
to Depart-
ment.

27.—(1) The treasurer of every county shall, before the 1st day of March in each year, make up and transmit to the Minister a detailed and audited statement of all expenditure upon or in connection with county roads or bridges for the next preceding year.

(2) The statement shall be in such form as the Minister ^{Form of} may direct. _{statement.}

(3) The treasurer shall forthwith publish the statement at ^{Publication.} least once in a newspaper published in the county town.

(4) The clerk of the county council shall procure not less ^{Delivery of} than one hundred copies of the statement and shall deliver or _{copies to} transmit by post one of such copies to such of the electors as _{electors.} shall first make request for the same. 2 Geo. V. c. 11, s. 5.
